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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

21 GIUSEPPE PAMPENA, on behalf of  
himself and all others similarly situated

Plaintiff

24 | VS

25 | ELON R. MUSK

26 || Defendant

CASE NO. 3:22-CV-05937-CRB

**DECLARATION OF ALEX SPIRO IN  
SUPPORT OF HIS REPLY IN SUPPORT  
OF HIS MOTION TO QUASH  
SUBPOENA AND FOR A PROTECTIVE  
ORDER**

Judge: Hon. Charles R. Breyer

Magistrate Judge: Hon. Donna M. Ryu

1 I, Alex Spiro, declare as follows:

2       1. I am admitted *pro hac vice* to practice and am a partner at Quinn Emanuel Urquhart &  
 3 Sullivan, LLP, attorneys for Defendant Elon R. Musk in this action. I have personal knowledge of the  
 4 facts set forth herein and if called as a witness, I could and would competently testify thereto. I make  
 5 this declaration in support of my own Reply Motion to Quash Subpoena and for a Protective Order.

6       2. In 2022, when Mr. Musk's deal team was working on acquiring Twitter, I did not  
 7 serve as Mr. Musk's "direct supervisor for Morgan Stanley, Skadden, and Musk's data scientists,"  
 8 as Plaintiffs assert. No person from Morgan Stanley or Skadden reported to me and I did not  
 9 supervise their work. I did not personally supervise the work performed by Cyabra, Halo, and  
 10 CounterAction (the data scientists) either; those firms reported to other lawyers from Quinn  
 11 Emanuel and Skadden, as is reflected in their communications. True and correct copies of a sample  
 12 of those communications are attached hereto as Exhibits 9-16<sup>1</sup>.

13       3. I did not give any directive to Morgan Stanley, or any other party, that was not  
 14 authorized by my clients.

15       4. Any conversation I may have had with Mr. Musk regarding his tweets on May 13,  
 16 2022 was in my capacity as his lawyer providing confidential legal advice to my client. No third  
 17 party, including Mr. Isaacson, was present for any such communication. I did not disclose the  
 18 content of any such communication to Mr. Isaacson. I was not a source for any statement Mr.  
 19 Isaacson made in *Elon Musk* concerning Mr. Musk's May 13, 2022 tweets, including the statement  
 20 identified by Plaintiffs in their Opposition.

21       5. In their Opposition, Plaintiffs make reference to an email that I sent to Mike Ringler  
 22 on May 16, 2022, Yuen Exhibit 5. As reflected in the document itself, the full content of my email  
 23 to Mr. Ringler is privileged. Contrary to Plaintiffs' argument, the contents remained privileged after  
 24 they were forwarded by Mr. Ringler to Morgan Stanley, Mr. Musk's bank and agent in the

25  
 26  
 27       1 Exhibits are numbered sequentially following my declaration filed in support of my opening Motion.  
 28 Dkt. 162-01.

1 transaction with whom he also shared a common interest. I note that Morgan Stanley produced  
2 Yuen Exhibit 5 in the Delaware Action and applied the “Privileged” designation and redaction.

3 6. Concerns over maintaining privilege prevent me from describing or discussing the  
4 contents of my email to Mr. Ringler. However, I did not author, draft, or prepare any information  
5 request that was sent to Twitter prior to Mr. Musk’s termination of the merger on July 8, 2022.  
6 Many of the information requests that Mr. Musk’s team actually sent to Twitter were sent by Mr.  
7 Ringler in several letters that were produced to Plaintiffs and which are also publicly available  
8 because they were reproduced in Twitter’s July 2022 Proxy Statement, which was filed with the  
9 SEC. I understand that all information requests that were sent to Twitter prior to Mr. Musk’s July  
10 8, 2022 termination letter have been produced in this action.

11 I declare under penalty of perjury under the laws of the United States of America that the  
12 foregoing is true and correct to the best of my knowledge.

14 Executed on this 24th day of April, 2025 in New York, New York.

By /s/ Alex Spiro  
Alex Spiro

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on all counsel of record electronically or by another manner authorized under FED. R. CIV. P. 5(b) on April 24, 2025.

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

By /s/ *Alex Bergjans*

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Jonathan Feder  
Michael T. Lifrak  
Joseph C. Sarles  
Stephen Broome  
Alex Bergjans  
Nathan Archibald

*Attorneys for Defendant Elon Musk and Lead Trial Counsel Alex Spiro*

1 **ATTESTATION**

2 Pursuant to Civil L.R. 5-1, I attest under penalty of perjury that concurrence in the filing of  
3 this document has been obtained from the other signatory herein.

4

5 By /s/ Alex Bergjans \_\_\_\_\_  
6 Alex Bergjans

7 *Attorneys for Defendant Elon Musk and Lead Trial  
Counsel Alex Spiro*

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